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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,683	03/11/2004	Tim Clegg	LED.Badge	6275
23616	7590	07/01/2005	EXAMINER	
LAW OFFICES OF CLEMENT CHENG 17220 NEWHOPE STREET #127 FOUNTAIN VALLEY, CA 92708			LEE, DIANE I	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,683

Applicant(s)

CLEGG, TIM

Examiner

D. I. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-10 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clinkscales [US 5,010,665] in view of Buettell [US 6,684,544]

Re claim 1: Clinkscales discloses an illuminated badge comprising:

a plastic transparent section 32, 44 having lighting means (a lamp or an LED 34)

illuminating the transparent section (see col. 5, lines 37-61);

a compartment section 10 housing a controller circuit 22 controlling LED illumination (see col. 4, line 34-col. 5, line 27);

a battery tray (a flat pack 12) holding battery and inserting into the compartment section from the side of the compartment section (see figure 2).

Although Clinkscales does not disclose the battery tray 12 holding plurality of batteries, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognize that providing a single battery or a plurality of batteries would have been obvious modification for accommodating voltage requirement to provide appropriate electric current to operate the LED(s) in the badge. Thus, whether it is a single battery or a plurality of batteries in the battery tray would have been an obvious extension taught by Clinkscales.

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Clinkscapes does not disclose the specific structure of the claimed first and second magnet.

Buettell discloses a first magnet attached to the compartment section and a second magnet adhering to the first magnet allowing a user to attach the badge to clothing by inserting between the first and second magnets (see col. 2, lines 53-67 and figures 1-2).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate magnetic holding means in the badge structure of Clinkscapes in order to provide the badge with a holding means that would not damage the user's clothing.

Re claims 7-8: Although Clinkscapes teaches the transparent portion displays screen-printing art (see col. 5, lines 58-68), Clinkscapes as modified by Buettell does not explicitly teach the transparent portion displays three-dimensional laser etched art. However, displaying three-dimensional laser etched art would have been an obvious design variation part of Clinkscapes as modified by Buettell to provide different illuminating effect, since such a modification would have involved a mere change in the displaying design subject matter of the badge, which is generally recognized as being within the level of ordinary skill in the art.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clinkscapes as modified by Buettell as applied to claim 1 above, and further in view of Ray et al. [US 5,755,506]. The teachings of Clinkscapes as modified by Buettell have been discussed above.

Clinkscapes as modified by Buettell does not disclose different illuminating mode.

Ray discloses an illuminating badge having a flashing circuit to provide intermittent illumination of the badge.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the badge having a flashing circuit to provide intermittent illumination in order to provide different illuminating effect, such as drawing the attention for an advertisement purpose. With respect to three or four illuminating mode, it would have been an obvious modification or substitution to an artisan of ordinary skill in the art to provide variation in illuminating effect.

5. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clinkscapes as modified by Buettell as applied to claim 1 above, and further in view of Gu [US 6,282,819]. The teachings of Clinkscapes as modified by Buettell have been discussed above.

Re claim 4: Clinkscapes as modified by Buettell does not explicitly teach the battery tray having a plurality of circular recesses each receiving a single button battery.

Gu teaches the battery tray 52 having a plurality of circular recesses 78 each receiving a single button battery 76 (see figure 14 for example).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the battery tray structure of Gu in the teaching of Clinkscapes as modified by Buettell in order to provide the badge using a plurality of circular cell type batteries that are readily available with a battery compartment that can easily replace the battery.

Re claim 9: Although Gu teaches three button batteries that are in series, Clinkscapes as modified by Buettell and Gu does not explicitly teach the specific voltage type of the battery used in the badge (i.e., three 1.5 V in series forming an electrical equivalent of a 4.5 V battery).

However, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognize that selecting the specific voltage level of the battery would

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have been obvious modification, which depends on the availability of the battery in the market and accommodating voltage requirement to provide appropriate electric current to operate the LED(s) in the badge. Thus, three 1.5 V in series forming an electrical equivalent of a 4.5 V battery in the battery tray would have been an obvious extension taught by Clinkscases modified by Buettell and Gu.

6. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clinkscases as modified by Buettell as applied to claim 1 above, and further in view of Kawakatsu [US 5,843,595]. The teachings of Clinkscases as modified by Buettell have been discussed above.

Clinkscases as modified by Buettell does not disclose the battery tray having no electrical contacts and a battery tray handle.

Kawakatsu disclose the battery tray 10 having no electrical contacts and further a battery tray handle (a recess portion 13 and the base portion 11 used for replacing the battery 50, see col. 1, line 66-col. 2, line 12; figures 1A-1B and 3A-3B).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the structure of Kawakatsu's battery tray in the badge structure of Clinkscases as modified by Buettell in order to provide the battery holder with easily handling of the battery replacement.

Allowable Subject Matter

7. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. The following is a statement of reasons for the indication of allowable subject matter:

Although Kawakatus shows the battery tray having a bottom groove formed at the level of the bottom of circular recess exposing each battery bottom and wherein the insertion of the battery tray into the compartment section obviously activates electrical connection and energizes the circuit, the prior art of the record fail to teach or fairly suggest the illuminating badge having a battery tray with bottom groove formed at the level of the bottom of circular recess to expose electrical contact with the battery when the tray is stowed in closed position, as set forth in the claim.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Legutke [FR 2628949 A], Ray [US 5,755,506], Ghosh [US 2001/0052840 A], and Lewis [US 6,857,755] disclose an illuminating badge/label.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee
Primary Examiner
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